

Message Text

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PAGE 01 CALCUT 01486 180906Z
ACTION NEA-10

INFO OCT-01 ISO-00 L-03 HA-05 CA-01 H-02 SY-05
CIAE-00 INR-10 NSAE-00 PPTE-00 ICA-20 SCS-06 /063 W
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P R 180830Z AUG 78
FM AMCONSUL CALCUTTA
TO SECSTATE WASHDC PRIORITY 6811
INFO AMCONSUL BOMBAY
AMEMBASSY NEW DELHI
AMCONSUL MADRAS

UNCLAS CALCUTTA 1486

E.O. 11652: NA
TAGS: CSCS
SUBJECT: ANANDA MARG DEPORTATIONS

REF: STATE 198045; NEW DELHI 11683; CALCUTTA 1415

1. WE HAVE RECEIVED A LETTER FROM MR. RANJAN DWIVEDI, LEGAL REPRESENTATIVE OF MARY ELLEN TOTH AND SHARON KAY NELSON, IN RESPONSE TO OUR REQUEST FOR FUTHER INFORMATION ON SUBJECTS' DEPORTATION . (DWIVEDI APPARENTLY SENT COPIES OF THE LETTER TO AMEMBASSY NEW DELHI AND TOTH/NELSON). A COPY IS BEING POUCHED TO DEPARTMENT (SCS).

2. DWIVEDI STATES HE FILED WRIT OF HABEAS CORPUS IN PATNA HIGH COURT THAT WAS QUASHED ON BASIS THAT TOTH/NELSON HAD ALREADY BEEN DEPORTED AND COULD NOT THEREFORE, BE PRODUCED. HE CONTENDS HOWEVER, THE JUDGES APPEARED QUOTE TO FEEL THE DEPORTATION WAS ARBITRARY AND ILLEGAL, YET THEY WERE HELPLESS TO PRODUCE THE LADIES AS POLICE INFORMED THEM THEY HAD ALREADY BEEN DEPORTED.. ON JULY 14, 1978 UNQUOTE. DWIVEDI FUTHER STATES THAT HE IS CONSIDERING CHALLENGING THE DEPORTATION IN THE SUPREME COURT QUOTE AS IT IS OBVIOUS FROM THE INDIAN CONSTITUTION

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THAT DEPORTATION WITHOUT REPRESENTATION (EXCEPT IN THE CASE OF ENEMY ALIENS) IS UNCONSTITUTIONAL UNQUOTE. HE BASES HIS OPINION ON FACT THAT TOTH/NELSON WERE NOT PRODUCED BEFORE A MAGISTRATE WITHIN TWENTY-FOUR HOURS, WERE NOT GIVEN OPPORTUNITY FOR LEGAL DEFENSE, AND WERE NOT INFORMED OF THE GROUNDS OF DETENTION, AS SET DOWN BY ARTICLE 22 OF INDIAN CONSTITUTION.

3. DWIVEDI SAYS HE IS WAITING FOR FUTHER INSTRUCTIONS FROM HIS CLIENTS TO PROCEED TO THE SUPREME COURT AND IF THEY ARE FORTHCOMING HE MAY FILE A CASE AGAINST DEPORTATION ORDER IN DELHI. THE REASONS BEHIND THE DEPORTATION, HE SAYS, QUOTE CAN OBVIOUSLY BE DESCRIBED AS MORE VENGEANCE AND PREJUDICE TOWARDS PERSONS OF A PARTICULAR FAITH. UNQUOTE.

PERKINS

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NNN

Message Attributes

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Disposition Approved on Date:
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Disposition Comment:
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